

## CHAPTER 6

### SUBDIVISION WITHIN FLOOD PLAIN

**Sec. 6.01. SUBDIVISION OF LAND WITHIN FLOOD PLAIN.** There shall be no platting or subdivision of land allowed by the Board within the area defined as a flood plain unless the following conditions are met:

(a) It is determined by the Board after receipt of additional hydrological or grade studies from the subdivider or appropriate federal or state agencies that the lands to be developed are no longer subject to be covered by flood water of a 100-year frequency flood, or

(b) The location, grade, and flood-proofing of all proposed water mains and wastewater collectors which are to be extended into or through any portion of the flood plain to serve the proposed development shall first be approved by the Board prior to the extensions of such utilities into the flood plain area.

(c) That the development of any land located within the flood plain will be accomplished so as to completely protect all areas of habitation and employment by raising of the ground elevation to at least one (1) foot above the 100-year frequency flood. The raising of the ground shall be accomplished in such a manner that the general flow and storage of water is not unduly restricted or limited and will not cause flood hazards to other lands and developments, either within the proposed subdivision or otherwise, and that said protection shall be accomplished without creating the need of significant public expenditures for flood control.

(d) That any proposed use which is located within a flood plain shall not include buildings which are inhabited and will be limited to such uses as open space, streets, and parking areas on that portion of the land within the flood plain where significant damage to life and property from flooding is more likely to occur. Any use approved to be located on land which is included within an area designated as a flood plain shall be approved only where the following factors have been considered and arrangements have been made which area satisfactory to the Board.

(1) The danger to life and property by water which may be backed up or diverted by such obstruction or land use;

(2) The danger that the obstruction or land use will be swept downstream to the injury of others;

(3) The availability of alternate locations;

(4) The construction or alteration of the obstruction in such a manner as to lessen any danger;

(5) The permanence of the obstruction or land use;

(6) The anticipated development in the foreseeable future of the area in which the proposed subdivision is to be located which may be affected by the obstruction or land use; and

(7) Any additional conditions adopted by the Board to ensure proper use of the areas within the flood plain.

(e) The proposed centerline grade of streets, roads, or private roadways located within the flood plain that are necessary to serve the proposed development shall not be more than one (1) foot below the 50-year frequency flood elevation.

(f) Any area within a flood plain from which fill is taken shall be hydrologically designed and maintained to reduce the likelihood of becoming refilled by silt. The subdivider must make arrangements satisfactory to the Board binding his/her successors and assigns, to regrade or remove such silt as is necessary to return any area to its approved design after flooding has occurred. Any area from which fill is taken within a flood plain shall be at a grade that will continue to permit adequate drainage into the stream or watercourse. If a water area is to be maintained within the flood plain, consideration shall be given to the effect the water area may have upon the flooding of both the land within the flood plain and other lands outside of the flood plain.

The subdivider shall obtain the approval of the County Engineer for any modifications in the location or design of the borrow area within the flood plain.